

AMENDED IN ASSEMBLY AUGUST 22, 2005

AMENDED IN SENATE JUNE 15, 2005

AMENDED IN SENATE JUNE 1, 2005

AMENDED IN SENATE MAY 17, 2005

AMENDED IN SENATE MAY 4, 2005

AMENDED IN SENATE APRIL 25, 2005

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**SENATE BILL****No. 1075**

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**Introduced by Senator Hollingsworth**

February 22, 2005

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An act to ~~amend Section 8690.6 of, and to repeal and add Article 3.6 (commencing with Section 177) of 3.7 (commencing with Section 179) to~~ Chapter 1 of Division 1 of Title 1 of, the Government Code, relating to emergencies, ~~making an appropriation therefor,~~ and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1075, as amended, Hollingsworth. Disaster response.

(1) Existing law ratifies, approves, and sets forth the provisions of the Interstate Civil Defense and Disaster Compact.

This bill would ~~repeal those provisions and instead~~ *additionally* ratify, approve, and set forth the provisions of the Emergency Management Assistance Compact.

~~(2) Existing law establishes the Disaster Response-Emergency Operations Account in the Special Fund for Economic Uncertainties. Moneys in the account are continuously appropriated subject to specified limitations for allocation by the Director of Finance to state agencies for disaster response operation costs incurred by state~~

agencies as a result of a proclamation by the Governor of a state of emergency. Existing law repeals these provisions on January 1, 2006.

This bill would extend the repeal of these provisions to July 1, 2007. By extending the term of the continuously appropriated account, the bill would make an appropriation.

~~This~~

(2) This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: ~~yes~~ no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Article 3.7 (commencing with Section 179) is added to Chapter 1 of Division 1 of Title 1 of the Government Code, to read:

Article 3.7. Emergency Management Assistance Compact

179. (a) It is the intent of the State of California to continue its long history of sharing emergency response resources with other states during times of disaster. Californian's have benefited from the assistance provided by the firefighters, law enforcement officers, emergency medical personal, and other emergency staff received from other states during our calamitous fires, earthquakes, winter storms, and other disasters. We must now join our sister states in ensuring we are prepared to aid our people during emergencies by entering into the Emergency Management Assistance Compact.

(b) The Emergency Management Assistance Compact as set forth in Section 179.5 is hereby ratified and approved.

179.5. The provisions of the Emergency Management Assistance Compact between the State of California and other states that are parties to the compact referred to in Section 179 are as follows:

Article 1. Purposes and Authorities

This compact is made and entered into by and between the participating member states which enact this compact, hereinafter called party states. For the purposes of this agreement, the term "states" is taken to mean the several states,

1 *the Commonwealth of Puerto Rico, the District of Columbia, and*  
 2 *all United States territorial possessions. The term “states” may*  
 3 *also include any neighboring foreign countries or provinces or*  
 4 *states thereof.*

5 *The purpose of this compact is to provide for mutual assistance*  
 6 *between the states entering into this compact in managing any*  
 7 *emergency or disaster that is duly declared by the governor of*  
 8 *the affected state, whether arising from natural disaster,*  
 9 *technological hazard, manmade disaster, emergency aspects of*  
 10 *resource shortages, civil disorders other than labor*  
 11 *controversies, insurgency, or enemy attack.*

12 *This compact shall also provide for mutual cooperation in*  
 13 *emergency-related exercises, testing, or other training activities*  
 14 *using equipment and personnel simulating performance of any*  
 15 *aspect of the giving and receiving of aid by party states or*  
 16 *subdivisions of party states during emergencies, such actions*  
 17 *occurring outside actual declared emergency periods. Mutual*  
 18 *assistance in this compact may, where civilian assistance has*  
 19 *been exhausted, include the use of the states’ National Guard*  
 20 *forces, either in accordance with the National Guard Mutual*  
 21 *Assistance Compact or by mutual agreement between states.*

22 *Article 2. General Implementation*

23 *Each party state entering into this compact recognizes many*  
 24 *emergencies transcend political jurisdictional boundaries and*  
 25 *that intergovernmental coordination is essential in managing*  
 26 *these and other emergencies under this compact. Each state*  
 27 *further recognizes that there will be emergencies which require*  
 28 *immediate access and present procedures to apply outside*  
 29 *resources to make a prompt and effective response to such an*  
 30 *emergency. This is because few, if any, individual states have all*  
 31 *the resources they may need in all types of emergencies or the*  
 32 *capability of delivering resources to areas where emergencies*  
 33 *exist.*

34 *The prompt, full, and effective utilization of resources of the*  
 35 *participating states, including any resources on hand or*  
 36 *available from the federal government or any other source, that*  
 37 *are essential to the safety, care, and welfare of the people in the*  
 38 *event of any emergency or disaster declared by a party state,*  
 39 *shall be the underlying principle on which all articles of this*  
 40 *compact shall be understood. On behalf of the governor of each*

1 state participating in the compact, the legally designated state  
2 official who is assigned responsibility for emergency  
3 management will be responsible for formulation of the  
4 appropriate interstate mutual aid plans and procedures  
5 necessary to implement this compact.

6 *Article 3. Party State Responsibilities*

7 (a) It shall be the responsibility of each party state to  
8 formulate procedural plans and programs for interstate  
9 cooperation in the performance of the responsibilities listed in  
10 this article. In formulating such plans, and in carrying them out,  
11 the party states, insofar as practical, shall:

12 (1) Review individual state hazards analyses and, to the  
13 extent reasonably possible, determine all those potential  
14 emergencies the party states might jointly suffer, whether due to  
15 natural disaster, technological hazard, manmade disaster,  
16 emergency aspects of resource shortages, civil disorders other  
17 than labor controversies, insurgency, or enemy attack.

18 (2) Review party states' individual emergency plans and  
19 develop a plan which will determine the mechanism for the  
20 interstate management and provision of assistance concerning  
21 any potential emergency.

22 (3) Develop interstate procedures to fill any identified gaps  
23 and to resolve any identified inconsistencies or overlaps in  
24 existing or developed plans.

25 (4) Assist in warning communities adjacent to or crossing the  
26 state boundaries.

27 (5) Protect and assure uninterrupted delivery of services,  
28 medicines, water, food, energy and fuel, search and rescue, and  
29 critical lifeline equipment, services, and resources, both human  
30 and material.

31 (6) Inventory and set procedures for the interstate loan and  
32 delivery of human and material resources, together with  
33 procedures for reimbursement or forgiveness.

34 (b) The authorized representative of a party state may request  
35 assistance of another party state by contacting the authorized  
36 representative of that state. The provisions of this agreement  
37 shall only apply to requests for assistance made by and to  
38 authorized representatives. Requests may be verbal or in writing.  
39 If verbal, the request shall be confirmed in writing within 30 days

1 of the verbal request. Requests shall provide the following  
2 information:

3 (1) A description of the emergency service function for which  
4 assistance is needed, including, but not limited to, fire services,  
5 law enforcement, emergency medical, transportation,  
6 communications, public works and engineering, building  
7 inspection, planning and information assistance, mass care,  
8 resource support, health and medical services, and search and  
9 rescue.

10 (2) The amount and type of personnel, equipment, materials  
11 and supplies needed, and a reasonable estimate of the length of  
12 time they will be needed.

13 (3) The specific place and time for staging of the assisting  
14 party's response and a point of contact at that location.

15 (c) There shall be frequent consultation between state officials  
16 who have assigned emergency management responsibilities and  
17 other appropriate representatives of the party states with affected  
18 jurisdictions and the United States Government, with free  
19 exchange of information, plans, and resource records relating to  
20 emergency capabilities.

21 *Article 4. Limitations*

22 Any party state requested to render mutual aid or conduct  
23 exercises and training for mutual aid shall take such action as is  
24 necessary to provide and make available the resources covered  
25 by this compact in accordance with the terms hereof; provided  
26 that it is understood that the state rendering aid may withhold  
27 resources to the extent necessary to provide reasonable  
28 protection for such state. Each party state shall afford to the  
29 emergency forces of any party state, while operating within its  
30 state limits under the terms and conditions of this compact, the  
31 same powers (except that of arrest unless specifically authorized  
32 by a separate statute of the receiving state), duties, rights, and  
33 privileges as are afforded forces of the state in which they are  
34 performing emergency services. Emergency forces will continue  
35 under the command and control of their regular leaders, but the  
36 organizational units will come under the operational control of  
37 the emergency services authorities of the state receiving  
38 assistance. These conditions may be activated, as needed, only  
39 subsequent to a declaration of a state of emergency or disaster  
40 by the governor of the party state that is to receive assistance or

1 commencement of exercises or training for mutual aid and shall  
2 continue so long as the exercises or training for mutual aid are  
3 in progress, the state of emergency or disaster remains in effect,  
4 or loaned resources remain in the receiving state, whichever is  
5 longer.

6 *Article 5. Licenses and Permits*

7 Whenever any person holds a license, certificate, or other  
8 permit issued by any state party to the compact evidencing the  
9 meeting of qualifications for professional, mechanical, or other  
10 skills, and when such assistance is requested by the receiving  
11 party state, such person shall be deemed licensed, certified, or  
12 permitted by the state requesting assistance to render aid  
13 involving such skill to meet a declared emergency or disaster,  
14 subject to such limitations and conditions as the governor of the  
15 requesting state may prescribe by executive order or otherwise.

16 *Article 6. Liability*

17 Officers or employees of a party state rendering aid in another  
18 state pursuant to this compact shall not be considered agents of  
19 the requesting state for tort liability and immunity purposes. No  
20 party state or its officers or employees rendering aid in another  
21 state pursuant to this compact shall be liable on account of any  
22 act or omission in good faith on the part of such forces while so  
23 engaged or on account of the maintenance or use of any  
24 equipment or supplies in connection therewith. Good faith in this  
25 article shall not include willful misconduct, gross negligence, or  
26 recklessness.

27 *Article 7. Supplementary Agreements*

28 Inasmuch as it is probable that the pattern and detail of the  
29 machinery for mutual aid among two or more states may differ  
30 from that among the states that are party hereto, this instrument  
31 contains elements of a broad base common to all states, and  
32 nothing herein contained shall preclude any state from entering  
33 into supplementary agreements with another state or affect any  
34 other agreements already in force between states. Supplementary  
35 agreements may comprehend, but shall not be limited to,  
36 provisions for evacuation and reception of injured and other  
37 persons and the exchange of medical, fire, police, public utility,  
38 welfare, transportation, and communications personnel, and  
39 equipment and supplies.

40 *Article 8. Compensation*

1 *Each party state shall provide for the payment of compensation*  
 2 *and death benefits to injured members of the emergency forces of*  
 3 *that state and representatives of deceased members of such*  
 4 *forces in case such members sustain injuries or are killed while*  
 5 *rendering aid pursuant to this compact, in the same manner and*  
 6 *on the same terms as if the injury or death were sustained within*  
 7 *their own state.*

8 *Article 9. Reimbursement*

9 *Any party state rendering aid in another state pursuant to this*  
 10 *compact shall be reimbursed by the party state receiving such*  
 11 *aid for any loss or damage to or expense incurred in the*  
 12 *operation of any equipment and the provision of any service in*  
 13 *answering a request for aid and for the costs incurred in*  
 14 *connection with such requests; provided, that any aiding party*  
 15 *state may assume in whole or in part such loss, damage, expense,*  
 16 *or other cost, or may loan such equipment or donate such*  
 17 *services to the receiving party state without charge or cost; and*  
 18 *provided further, that any two or more party states may enter*  
 19 *into supplementary agreements establishing a different*  
 20 *allocation of costs among those states.*

21 *Article 10. Evacuation*

22 *Plans for the orderly evacuation and interstate reception of*  
 23 *portions of the civilian population as the result of any emergency*  
 24 *or disaster of sufficient proportions to so warrant, shall be*  
 25 *worked out and maintained between the party states and the*  
 26 *emergency management/services directors of the various*  
 27 *jurisdictions where any type of incident requiring evacuations*  
 28 *might occur. Such plans shall be put into effect by request of the*  
 29 *state from which evacuees come and shall include the manner of*  
 30 *transporting such evacuees, the number of evacuees to be*  
 31 *received in different areas, the manner in which food, clothing,*  
 32 *housing, and medical care will be provided, the registration of*  
 33 *the evacuees, the providing of facilities for the notification of*  
 34 *relatives or friends, and the forwarding of such evacuees to other*  
 35 *areas or the bringing in of additional materials, supplies, and all*  
 36 *other relevant factors. Such plans shall provide that the party*  
 37 *state receiving evacuees and the party state from which the*  
 38 *evacuees come shall mutually agree as to reimbursement of*  
 39 *out-of-pocket expenses incurred in receiving and caring for such*  
 40 *evacuees, for expenditures for transportation, food, clothing,*

1 medicines, and medical care, and like items. Such expenditures  
2 shall be reimbursed as agreed by the party state from which the  
3 evacuees come. After the termination of the emergency or  
4 disaster, the party state from which the evacuees come shall  
5 assume the responsibility for the ultimate support of repatriation  
6 of such evacuees.

7 *Article 11. Implementation*

8 (a) This compact shall become operative immediately upon its  
9 enactment into law in this form by any two states. Thereafter, this  
10 compact shall become effective as to any other state upon its  
11 enactment by such state.

12 (b) Any party state may withdraw from this compact by  
13 enacting a statute repealing the same, but no such withdrawal  
14 shall take effect until 30 days after the governor of the  
15 withdrawing state has given notice in writing of such withdrawal  
16 to the governors of all other party states. Such action shall not  
17 relieve the withdrawing state from obligations assumed  
18 hereunder prior to the effective date of withdrawal.

19 (c) Duly authenticated copies of this compact and of such  
20 supplementary agreements as may be entered into shall, at the  
21 time of their approval, be deposited with each of the party states  
22 and with the Federal Emergency Management Agency and other  
23 appropriate agencies of the United States Government.

24 *Article 12. Validity*

25 This act shall be construed to effectuate the purposes stated in  
26 Article 1 hereof. If any provision of this compact is declared  
27 unconstitutional, or the applicability thereof to any person or  
28 circumstances is held invalid, the constitutionality of the  
29 remainder of this act and the applicability thereof to other  
30 persons and circumstances shall not be affected thereby.

31 *Article 13. Additional Provisions*

32 Nothing in this compact shall authorize or permit the use of  
33 military force by the National Guard of a state at any place  
34 outside that state in any emergency for which the President is  
35 authorized by law to call into federal service the militia, or for  
36 any purpose for which the use of the Army or the Air Force  
37 would in the absence of express statutory authorization be  
38 prohibited under Section 1385 of Title 18 of the United States  
39 Code.



1     ~~SECTION 1. Article 3.6 (commencing with Section 177) of~~  
2     ~~Chapter 1 of Division 1 of Title 1 of the Government Code is~~  
3     ~~repealed.~~

4     ~~SEC. 2. Article 3.6 (commencing with Section 177) is added~~  
5     ~~to Chapter 1 of Division 1 of Title 1 of the Government Code, to~~  
6     ~~read:~~

7  
8         ~~Article 3.6. Emergency Management Assistance Compact~~  
9

10     ~~177. (a) It is the intent of the State of California to continue~~  
11     ~~its long history of sharing emergency response resources with~~  
12     ~~other states during times of disaster. Californian's have benefited~~  
13     ~~from the assistance provided by the firefighters, law enforcement~~  
14     ~~officers, emergency medical personal, and other emergency staff~~  
15     ~~received from other states during our calamitous fires,~~  
16     ~~earthquakes, winter storms, and other disasters. We must now~~  
17     ~~join our sister states in ensuring we are prepared to aid our~~  
18     ~~people during emergencies by entering into the Emergency~~  
19     ~~Management Assistance Compact as it was adopted by Congress.~~

20     ~~(b) The Emergency Management Assistance Compact as set~~  
21     ~~forth in Section 178 is hereby ratified and approved.~~

22     ~~178. The provisions of the Emergency Management~~  
23     ~~Assistance Compact between the State of California and other~~  
24     ~~states that are parties to the compact referred to in Section 177~~  
25     ~~are as follows:~~

26             ~~Article 1. Purposes and Authorities~~

27     ~~This compact is made and entered into by and between the~~  
28     ~~participating member states which enact this compact, hereinafter~~  
29     ~~called party states. For the purposes of this agreement, the term~~  
30     ~~"states" is taken to mean the several states, the Commonwealth~~  
31     ~~of Puerto Rico, the District of Columbia, and all United States~~  
32     ~~territorial possessions.~~

33     ~~The purpose of this compact is to provide for mutual assistance~~  
34     ~~between the states entering into this compact in managing any~~  
35     ~~emergency or disaster that is duly declared by the governor of the~~  
36     ~~affected state, whether arising from natural disaster,~~  
37     ~~technological hazard, manmade disaster, civil emergency aspects~~  
38     ~~of resource shortages, community disorders, insurgency, or~~  
39     ~~enemy attack.~~

~~This compact shall also provide for mutual cooperation in emergency-related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party states or subdivisions of party states during emergencies, such actions occurring outside actual declared emergency periods. Mutual assistance in this compact may include the use of the states' National Guard forces, either in accordance with the National Guard Mutual Assistance Compact or by mutual agreement between states.~~

#### ~~Article 2. General Implementation~~

~~Each party state entering into this compact recognizes many emergencies transeend political jurisdictional boundaries and that intergovernmental coordination is essential in managing these and other emergencies under this compact. Each state further recognizes that there will be emergencies which require immediate access and present procedures to apply outside resources to make a prompt and effective response to such an emergency. This is because few, if any, individual states have all the resources they may need in all types of emergencies or the capability of delivering resources to areas where emergencies exist.~~

~~The prompt, full, and effective utilization of resources of the participating states, including any resources on hand or available from the federal government or any other source, that are essential to the safety, care, and welfare of the people in the event of any emergency or disaster declared by a party state, shall be the underlying principle on which all articles of this compact shall be understood. On behalf of the governor of each state participating in the compact, the legally designated state official who is assigned responsibility for emergency management will be responsible for formulation of the appropriate interstate mutual aid plans and procedures necessary to implement this compact.~~

#### ~~Article 3. Party State Responsibilities~~

~~(a) It shall be the responsibility of each party state to formulate procedural plans and programs for interstate cooperation in the performance of the responsibilities listed in this article. In formulating such plans, and in carrying them out, the party states, insofar as practical, shall:~~

1     ~~(1) Review individual state hazards analyses and, to the extent~~  
2 ~~reasonably possible, determine all those potential emergencies~~  
3 ~~the party states might jointly suffer, whether due to natural~~  
4 ~~disaster, technological hazard, manmade disaster, emergency~~  
5 ~~aspects of resource shortages, civil disorders, insurgency, or~~  
6 ~~enemy attack.~~

7     ~~(2) Review party states' individual emergency plans and~~  
8 ~~develop a plan which will determine the mechanism for the~~  
9 ~~interstate management and provision of assistance concerning~~  
10 ~~any potential emergency.~~

11     ~~(3) Develop interstate procedures to fill any identified gaps~~  
12 ~~and to resolve any identified inconsistencies or overlaps in~~  
13 ~~existing or developed plans.~~

14     ~~(4) Assist in warning communities adjacent to or crossing the~~  
15 ~~state boundaries.~~

16     ~~(5) Protect and assure uninterrupted delivery of services,~~  
17 ~~medicines, water, food, energy and fuel, search and rescue, and~~  
18 ~~critical lifeline equipment, services, and resources, both human~~  
19 ~~and material.~~

20     ~~(6) Inventory and set procedures for the interstate loan and~~  
21 ~~delivery of human and material resources, together with~~  
22 ~~procedures for reimbursement or forgiveness.~~

23     ~~(7) Provide, to the extent authorized by law, for temporary~~  
24 ~~suspension of any statutes.~~

25     ~~(b) The authorized representative of a party state may request~~  
26 ~~assistance of another party state by contacting the authorized~~  
27 ~~representative of that state. The provisions of this agreement~~  
28 ~~shall only apply to requests for assistance made by and to~~  
29 ~~authorized representatives. Requests may be verbal or in writing.~~  
30 ~~If verbal, the request shall be confirmed in writing within 30 days~~  
31 ~~of the verbal request. Requests shall provide the following~~  
32 ~~information:~~

33     ~~(1) A description of the emergency service function for which~~  
34 ~~assistance is needed, including, but not limited to, fire services,~~  
35 ~~law enforcement, emergency medical, transportation,~~  
36 ~~communications, public works and engineering, building~~  
37 ~~inspection, planning and information assistance, mass care,~~  
38 ~~resource support, health and medical services, and search and~~  
39 ~~rescue.~~

1     ~~(2) The amount and type of personnel, equipment, materials~~  
2     ~~and supplies needed, and a reasonable estimate of the length of~~  
3     ~~time they will be needed.~~

4     ~~(3) The specific place and time for staging of the assisting~~  
5     ~~party's response and a point of contact at that location.~~

6     ~~(e) There shall be frequent consultation between state officials~~  
7     ~~who have assigned emergency management responsibilities and~~  
8     ~~other appropriate representatives of the party states with affected~~  
9     ~~jurisdictions and the United States Government, with free~~  
10    ~~exchange of information, plans, and resource records relating to~~  
11    ~~emergency capabilities.~~

#### 12                     Article 4. Limitations

13    ~~Any party state requested to render mutual aid or conduct~~  
14    ~~exercises and training for mutual aid shall take such action as is~~  
15    ~~necessary to provide and make available the resources covered~~  
16    ~~by this compact in accordance with the terms hereof; provided~~  
17    ~~that it is understood that the state rendering aid may withhold~~  
18    ~~resources to the extent necessary to provide reasonable protection~~  
19    ~~for such state. Each party state shall afford to the emergency~~  
20    ~~forces of any party state, while operating within its state limits~~  
21    ~~under the terms and conditions of this compact, the same powers~~  
22    ~~(except that of arrest unless specifically authorized by the~~  
23    ~~receiving state), duties, rights, and privileges as are afforded~~  
24    ~~forces of the state in which they are performing emergency~~  
25    ~~services. Emergency forces will continue under the command~~  
26    ~~and control of their regular leaders, but the organizational units~~  
27    ~~will come under the operational control of the emergency~~  
28    ~~services authorities of the state receiving assistance. These~~  
29    ~~conditions may be activated, as needed, only subsequent to a~~  
30    ~~declaration of a state of emergency or disaster by the governor of~~  
31    ~~the party state that is to receive assistance or commencement of~~  
32    ~~exercises or training for mutual aid and shall continue so long as~~  
33    ~~the exercises or training for mutual aid are in progress, the state~~  
34    ~~of emergency or disaster remains in effect, or loaned resources~~  
35    ~~remain in the receiving state, whichever is longer.~~

#### 36                     Article 5. Licenses and Permits

37    ~~Whenever any person holds a license, certificate, or other~~  
38    ~~permit issued by any state party to the compact evidencing the~~  
39    ~~meeting of qualifications for professional, mechanical, or other~~  
40    ~~skills, and when such assistance is requested by the receiving~~

1 ~~party state, such person shall be deemed licensed, certified, or~~  
2 ~~permitted by the state requesting assistance to render aid~~  
3 ~~involving such skill to meet a declared emergency or disaster,~~  
4 ~~subject to such limitations and conditions as the governor of the~~  
5 ~~requesting state may prescribe by executive order or otherwise.~~

6 ~~Article 6. Liability~~

7 ~~Officers or employees of a party state rendering aid in another~~  
8 ~~state pursuant to this compact shall be considered agents of the~~  
9 ~~requesting state for tort liability and immunity purposes. No~~  
10 ~~party state or its officers or employees rendering aid in another~~  
11 ~~state pursuant to this compact shall be liable on account of any~~  
12 ~~act or omission in good faith on the part of such forces while so~~  
13 ~~engaged or on account of the maintenance or use of any~~  
14 ~~equipment or supplies in connection therewith. Good faith in this~~  
15 ~~article shall not include willful misconduct, gross negligence, or~~  
16 ~~recklessness.~~

17 ~~Article 7. Supplementary Agreements~~

18 ~~Inasmuch as it is probable that the pattern and detail of the~~  
19 ~~machinery for mutual aid among two or more states may differ~~  
20 ~~from that among the states that are party hereto, this instrument~~  
21 ~~contains elements of a broad base common to all states, and~~  
22 ~~nothing herein contained shall preclude any state from entering~~  
23 ~~into supplementary agreements with another state or affect any~~  
24 ~~other agreements already in force between states. Supplementary~~  
25 ~~agreements may comprehend, but shall not be limited to,~~  
26 ~~provisions for evacuation and reception of injured and other~~  
27 ~~persons and the exchange of medical, fire, police, public utility,~~  
28 ~~reconnaissance, welfare, transportation, and communications~~  
29 ~~personnel, and equipment and supplies.~~

30 ~~Article 8. Compensation~~

31 ~~Each party state shall provide for the payment of compensation~~  
32 ~~and death benefits to injured members of the emergency forces of~~  
33 ~~that state and representatives of deceased members of such forces~~  
34 ~~in case such members sustain injuries or are killed while~~  
35 ~~rendering aid pursuant to this compact, in the same manner and~~  
36 ~~on the same terms as if the injury or death were sustained within~~  
37 ~~their own state.~~

38 ~~Article 9. Reimbursement~~

39 ~~Any party state rendering aid in another state pursuant to this~~  
40 ~~compact shall be reimbursed by the party state receiving such aid~~

1 for any loss or damage to or expense incurred in the operation of  
2 any equipment and the provision of any service in answering a  
3 request for aid and for the costs incurred in connection with such  
4 requests; provided, that any aiding party state may assume in  
5 whole or in part such loss, damage, expense, or other cost, or  
6 may loan such equipment or donate such services to the receiving  
7 party state without charge or cost; and provided further, that any  
8 two or more party states may enter into supplementary  
9 agreements establishing a different allocation of costs among  
10 those states. Article 8 expenses shall not be reimbursable under  
11 this provision.

#### 12 Article 10. Evacuation

13 Plans for the orderly evacuation and interstate reception of  
14 portions of the civilian population as the result of any emergency  
15 or disaster of sufficient proportions to so warrant, shall be  
16 worked out and maintained between the party states and the  
17 emergency management/services directors of the various  
18 jurisdictions where any type of incident requiring evacuations  
19 might occur. Such plans shall be put into effect by request of the  
20 state from which evacuees come and shall include the manner of  
21 transporting such evacuees, the number of evacuees to be  
22 received in different areas, the manner in which food, clothing,  
23 housing, and medical care will be provided, the registration of  
24 the evacuees, the providing of facilities for the notification of  
25 relatives or friends, and the forwarding of such evacuees to other  
26 areas or the bringing in of additional materials, supplies, and all  
27 other relevant factors. Such plans shall provide that the party  
28 state receiving evacuees and the party state from which the  
29 evacuees come shall mutually agree as to reimbursement of  
30 out-of-pocket expenses incurred in receiving and caring for such  
31 evacuees, for expenditures for transportation, food, clothing,  
32 medicines, and medical care, and like items. Such expenditures  
33 shall be reimbursed as agreed by the party state from which the  
34 evacuees come. After the termination of the emergency or  
35 disaster, the party state from which the evacuees come shall  
36 assume the responsibility for the ultimate support of repatriation  
37 of such evacuees.

#### 38 Article 11. Implementation

39 (a) This compact shall become operative immediately upon its  
40 enactment into law by any two states. Thereafter, this compact

1 shall become effective as to any other state upon its enactment by  
2 such state:

3 ~~(b) Any party state may withdraw from this compact by~~  
4 ~~enacting a statute repealing the same, but no such withdrawal~~  
5 ~~shall take effect until 30 days after the governor of the~~  
6 ~~withdrawing state has given notice in writing of such withdrawal~~  
7 ~~to the governors of all other party states. Such action shall not~~  
8 ~~relieve the withdrawing state from obligations assumed~~  
9 ~~hereunder prior to the effective date of withdrawal.~~

10 ~~(c) Duly authenticated copies of this compact and of such~~  
11 ~~supplementary agreements as may be entered into shall, at the~~  
12 ~~time of their approval, be deposited with each of the party states~~  
13 ~~and with the Federal Emergency Management Agency and other~~  
14 ~~appropriate agencies of the United States Government.~~

15 ~~Article 12. Validity~~

16 ~~This act shall be construed to effectuate the purposes stated in~~  
17 ~~Article 1 hereof. If any provision of this compact is declared~~  
18 ~~unconstitutional, or the applicability thereof to any person or~~  
19 ~~circumstances is held invalid, the constitutionality of the~~  
20 ~~remainder of this act and the applicability thereof to other~~  
21 ~~persons and circumstances shall not be affected thereby.~~

22 ~~Article 13. Additional Provisions~~

23 ~~Nothing in this compact shall authorize or permit the use of~~  
24 ~~military force by the National Guard of a state at any place~~  
25 ~~outside that state in any emergency for which the President is~~  
26 ~~authorized by law to call into federal service the militia, or for~~  
27 ~~any purpose for which the use of the Army or the Air Force~~  
28 ~~would in the absence of express statutory authorization be~~  
29 ~~prohibited under Section 1385 of Title 18 of the United States~~  
30 ~~Code.~~

31 ~~SEC. 3. Section 8690.6 of the Government Code is amended~~  
32 ~~to read:~~

33 ~~8690.6. (a) The Disaster Response-Emergency Operations~~  
34 ~~Account is hereby established in the Special Fund for Economic~~  
35 ~~Uncertainties. Notwithstanding Section 13340, moneys in the~~  
36 ~~account are continuously appropriated, subject to the limitations~~  
37 ~~specified in subdivisions (c) and (d), without regard to fiscal~~  
38 ~~years, for allocation by the Director of Finance to state agencies~~  
39 ~~for disaster response operation costs incurred by state agencies as~~  
40 ~~a result of a proclamation by the Governor of a state of~~

1 emergency, as defined in subdivision (b) of Section 8558. These  
2 allocations may be for activities that occur within 120 days after  
3 a proclamation of emergency by the Governor.

4 ~~(b) It is the intent of the Legislature that the Disaster~~  
5 ~~Response-Emergency—Operations—Account—have—an~~  
6 ~~unenumerated balance of one million dollars (\$1,000,000) at the~~  
7 ~~beginning of each fiscal year. If this account requires additional~~  
8 ~~moneys to meet claims against the account, the Director of~~  
9 ~~Finance may transfer moneys from the Special Fund for~~  
10 ~~Economic Uncertainties to the account in an amount sufficient to~~  
11 ~~pay the amount of the claims that exceed the unenumerated~~  
12 ~~balance in the account.~~

13 ~~(c) Funds shall be allocated from the account subject to the~~  
14 ~~conditions of this section and upon notification by the Director of~~  
15 ~~Finance to the Chairperson of the Joint Legislative Budget~~  
16 ~~Committee and the chairpersons of the fiscal committees in each~~  
17 ~~house.~~

18 ~~(d) Notwithstanding any other provision of law, authorizations~~  
19 ~~for acquisitions, relocations, and environmental mitigations~~  
20 ~~related to activities, as described in subdivision (a), shall be~~  
21 ~~authorized pursuant to this section. However, these funds may~~  
22 ~~only be authorized for needs that are a direct consequence of the~~  
23 ~~proclaimed emergency where failure to undertake the project~~  
24 ~~may interrupt essential state services or jeopardize public health~~  
25 ~~or safety. In addition, any acquisition accomplished under this~~  
26 ~~subdivision shall comply with any otherwise applicable law,~~  
27 ~~except as provided in the first sentence of this subdivision.~~

28 ~~(e) No funds allocated under this section shall be used to~~  
29 ~~supplant federal funds otherwise available in the absence of state~~  
30 ~~financial relief.~~

31 ~~(f) The amount of financial assistance provided to an~~  
32 ~~individual, business, or governmental entity under this section, or~~  
33 ~~pursuant to any other program of state-funded disaster assistance,~~  
34 ~~shall be deducted from sums received in payment of damage~~  
35 ~~claims asserted against the state, its agents, or employees, for~~  
36 ~~causing or contributing to the effects of the proclaimed disaster.~~

37 ~~(g) No public entity administering disaster assistance to~~  
38 ~~individuals shall receive funds under this section unless it~~  
39 ~~administers that assistance pursuant to the following criteria:~~



1     ~~(1) All applications, forms, and other written materials~~  
2     ~~presented to persons seeking assistance shall be available in~~  
3     ~~English and in the same language as that used by the major~~  
4     ~~non-English-speaking group within the disaster area.~~

5     ~~(2) Bilingual staff who reflect the demographics of the disaster~~  
6     ~~area shall be available to applicants.~~

7     ~~(h) This section shall remain in effect only until July 1, 2007,~~  
8     ~~and as of that date is repealed, unless a later enacted statute, that~~  
9     ~~is enacted before July 1, 2007, deletes or extends that date.~~

10    ~~SEC. 4.~~

11    ~~SEC. 2.~~ This act is an urgency statute necessary for the  
12    immediate preservation of the public peace, health, or safety  
13    within the meaning of Article IV of the Constitution and shall go  
14    into immediate effect. The facts constituting the necessity are:

15    In order to ensure that the state is aided by other states and is  
16    prepared to meet any emergency or disaster declared by the  
17    Governor, it is necessary that this act take effect immediately.